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PATENT APPLICATION

ATTORNEY DOCKET NO. 500200184-2

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Philippe WIECZOREK et al.

Confirmation No.: 8273

Application No.: 10/686,661

Examiner: Nghi H. Ly

Filing Date: 10/17/2003

Group Art Unit: 2617

Title: COMMUNICATION SYSTEM AND METHOD

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on January 18, 2008.

☒ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).

☒ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month  
\$120

☐ 2nd Month  
\$460

☐ 3rd Month  
\$1050

☐ 4th Month  
\$1640

☐ The extension fee has already been filed in this application.

☐ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 510 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Philippe WIECZOREK et al.

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Atty. Dkt. No. 500200184-2

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES***

Applicant: Philippe WIECZOREK et al.  
Title: COMMUNICATION SYSTEM AND METHOD  
Application No.: 10/686,661  
Filing Date: 10/17/2003  
Examiner: Nghi H. Ly  
Art Unit: 2617  
Confirmation No.: 8273

**BRIEF ON APPEAL**

Mail Stop Appeal Brief - Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Under the provisions of 37 C.F.R. § 41.37, this Appeal Brief is being filed together with a check in the amount of \$510.00 covering the 37 C.F.R. 41.20(b)(2) appeal fee. If this fee is deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 08-2025.

**REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Company.

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### **RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences known to Appellants, the Appellants' legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **STATUS OF CLAIMS**

The present appeal is directed to claims 1-29 which are the claims under consideration. A copy of the pending claims 1-29 are attached herein in the Claims Appendix.

Claims 1-6, 10, 11, and 20-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,400,940 ("Sennett") in view of U.S. Patent Publication No. 2002/0032564A1 ("Ehsani").

Claims 7-9 and 12-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sennett in view of Ehsani and further in view of U.S. Patent 6,208,877 ("Henry, Jr.").

### **STATUS OF AMENDMENTS**

Claims 1-29 were initially pending in the application filed on October 17, 2003.

Claims 2, 3, 5, 7-11, 16-19 and 25-28 were amended in a Preliminary Amendment filed on October 17, 2003.

Claims 12, 13, 16, 18 and 20 were amended in an Amendment and Reply filed November 7, 2006.

This Appeal Brief is being filed within the statutory two month period after the filing of the Notice of Appeal on January 18, 2008.

**SUMMARY OF CLAIMED SUBJECT MATTER**

Claims 1, 12, 14 and 20 are independent claims. Claim 1 is directed to a communication system for providing user assistance to an owner of a communication device.

Lines 1-6 on page 7 of the specification describes a communication system having a mobile station that can communicate with a mobile switching centre (MSC). Lines 12-22 on page 7 describe an operator terminal arranged to execute a mobile station user assistance application. The user assistance application accesses a database containing data related to a number of mobile stations.

The data includes invocation instructions for invoking at least one function of the communication device. “The mobile station data 130 comprises image data 132, which is used to display various images 134 of the mobile station on the operator terminal 118. The mobile station data 130 also comprises menu data 136 that describes or defines the menu options available on the mobile station 102 to which the mobile station data 130 relates.” Page 7, lines 24-27.

The communication terminal comprising means to cause output, at the communication device, of data representing operator instructions, associated with the invocation instructions, comprising prescribed user input actions to be performed to invoke the at least one function of the communication device. “The operator provides instructions to the user on how their problem can be addressed having consulted the image 134 of the mobile station together with the menu data 136 displayed by the application 124 on the operator terminal 118. It will be appreciated that the verbal instructions of the operator will be represented as, or transmitted as, voice data

output by the operator terminal or the telephone device 118' associated therewith or forming a part thereof.” Page 10, lines 3-8.

Page 10, lines 9-27 discloses a means to compare, or to enable comparison of, data representing actual user input actions, performed following output of the data representing the operator instructions, with the invocation instruction data to determine if the at least one function of the communication device has been invoked. “The user can attempt to give effect to the operator's instructions by pressing appropriate keys of the keypad 102'. Having pressed the appropriate keys, data representing the keystrokes is sent in a second USSD message 208 to the application 124. The second USSD message 208 contains a first identifier, which may be, for example, #91, that identifies the message as containing key sequence information, a second identifier, which is the IMEI in preferred embodiments, to identify to the mobile station 102 to the application 124 and data representing the key sequence. The application 124 transmits a second acknowledge signal 210 to the mobile station 102 in response to receipt of the second USSD message 208. The application 124 also parses the second USSD message 208 and gives effect to the key stroke information contained within that message by changing the image 134 of the mobile station 102 and the displayed menu information 134' so that the displayed information 134 and 134' is synchronised with the mobile station 102, that is, synchronised with the view of the mobile station 102 received by the user. The effect of modelling the key sequence at the operator terminal is noted by the operator. The operator determines from the noted effect whether the correct key sequence was input. Alternatively, or additionally, embodiments are arranged such that the operator generates a key sequence for solving a given problem or step of

that problem. Therefore, the received key sequence and the generated key sequence can be compared by the operator or the application 124 to see if the operator instructions have been followed.” Page 10, lines 9-27.

Claim 12 is directed to a method for providing user assistance to an owner of a communication device.

Page 9, lines 12-15 disclose contacting, using the communication device, a user of the communication terminal to obtain assistance relating to the communication device. “When the user of the mobile station 102 initially contacts the operator for assistance, voice channels 202 are established between a handset 118' of the operator terminal 118 and the mobile station 102.” Page 9, lines 12-15.

Page 9, lines 15-18 disclose identifying the communication device and retrieving the data relating to the communication device from the database. “Part of the signaling [sic] exchanged between the mobile station 102 and the operator handset 118' will include the IMEI. The IMEI is passed to the application 124 where the application 124 uses the IMEI to retrieve the appropriate mobile station model number data 144.” Page 9, lines 15-18.

Page 9, lines 20-23 disclose placing the communication device in the instructional operational mode. “The operator instructs the user of the mobile station 102 to place the mobile station 102 in the second mode of operation mentioned above so that the mobile station 102 can both maintain the voice channels 202 and allow the user to traverse and invoke the various menus and functions of the mobile station 102.” Page 9, lines 20-23.

Page 10, lines 2-6 discloses receiving, at the communication device, instructions from the user of the communication terminal relating to the operation of the communication device. “The operator provides instructions to the user on how their problem can be addressed having consulted the image 134 of the mobile station together with the menu data 136 displayed by the application 124 on the operator terminal 118.”

Page 10, lines 8-11 disclose receiving user input actions in response to receipt of the instructions and transmitting data representing those input actions to the communication terminal using the data communication. “The user can attempt to give effect to the operator's instructions by pressing appropriate keys of the keypad 102'. Having pressed the appropriate keys, data representing the keystrokes is sent in a second USSD message 208 to the application 124.” Page 10, lines 8-11.

Page 10, lines 16-27 disclose receiving, at the communication terminal, the data representing the user input actions and comparing the user input actions with the data relating to the communication device retrieved from the database to determine whether the user input actions correspond to the instructions and determining that data representing the user input actions corresponds to data relating to the communication device. “The application 124 transmits a second acknowledge signal 210 to the mobile station 102 in response to receipt of the second USSD message 208. The application 124 also parses the second USSD message 208 and gives effect to the key stroke information contained within that message by changing the image 134 of the mobile station 102 and the displayed menu information 134' so that the displayed information 134 and 134' is synchronised with the mobile station 102, that is, synchronised with

the view of the mobile station 102 received by the user. The effect of modelling the key sequence at the operator terminal is noted by the operator. The operator determines from the noted effect whether the correct key sequence was input. Alternatively, or additionally, embodiments are arranged such that the operator generates a key sequence for solving a given problem or step of that problem. Therefore, the received key sequence and the generated key sequence can be compared by the operator or the application 124 to see if the operator instructions have been followed.” Page 10, lines 16-27.

Page 12, lines 27-32 discloses terminating the communication between the communication device and the communication terminal. “Returning to the operation of the mobile station 102, following step 332, a determination is made, at step 348, as to whether or not the most recently entered key sequence represents a command to terminate the instructional mode. If the key sequence does not represent a command to terminate the instructional mode, control is transferred to step 328. However, if the key sequence is a command to terminate the instructional mode, the mobile station 102 is returned to its conventional mode of operation at step 350.” Page 12, lines 27-32.

Claim 14 is directed to a communication terminal for providing user assistance to an owner of a communication device.

Page 7, lines 12-21 and 24-27 discloses a communication manager to support incoming and outgoing voice channels, an interface for managing the exchange of data with at least a subscriber database, containing subscriber data identifying an associated subscriber communication device, and a communication device database, containing operational



information relating to at least the subscriber communication device and associated invocation data for invoking at least one function of the device. “The USSD server 116 is coupled to an operator terminal 118 via a suitable protocol connection 120. The suitable protocol connection 120 may be, for example, a TCP/IP connection. The operator terminal 118 is coupled to the PSTN 112 via a corresponding land-line 122. The operator terminal 118 is arranged to execute a mobile station user assistance application 124, having a user interface (not shown), which can be used for providing user assistance to a mobile station subscriber. The application 124 can access a database 126 that is stored on an HDD 128. The database 126 contains data relating to a number of mobile stations.” Page 7, lines 12-21. “The mobile station data 130 comprises image data 132, which is used to display various images 134 of the mobile station on the operator terminal 118. The mobile station data 130 also comprises menu data 136 that describes or defines the menu options available on the mobile station 102 to which the mobile station data 130 relates.”

Page 10, lines 1-27 disclose a user interface for at least displaying the operational information; means to output data representing user instructions associated with the operational information, a data service message manager to receive a data message bearing data representing user input signals generated in response to user invocation of an input means of the subscriber communication device in response to the user instructions and means to compare, or to enable comparison of, the data representing the user input signals with the associated invocation data to determine whether the at least one function of the subscriber communication device has been invoked. “The user of the mobile station 102 explains the nature of their problem to the operator

of the operator terminal 118 via the voice channel 202. The operator provides instructions to the user on how their problem can be addressed having consulted the image 134 of the mobile station together with the menu data 136 displayed by the application 124 on the operator terminal 118. It will be appreciated that the verbal instructions of the operator will be represented as, or transmitted as, voice data output by the operator terminal or the telephone device 118' associated therewith or forming a part thereof. The user can attempt to give effect to the operator's instructions by pressing appropriate keys of the keypad 102'. Having pressed the appropriate keys, data representing the keystrokes is sent in a second USSD message 208 to the application 124. The second USSD message 208 contains a first identifier, which may be, for example, #91, that identifies the message as containing key sequence information, a second identifier, which is the IMEI in preferred embodiments, to identify to the mobile station 102 to the application 124 and data representing the key sequence. The application 124 transmits a second acknowledge signal 210 to the mobile station 102 in response to receipt of the second USSD message 208. The application 124 also parses the second USSD message 208 and gives effect to the key stroke information contained within that message by changing the image 134 of the mobile station 102 and the displayed menu information 134' so that the displayed information 134 and 134' is synchronised with the mobile station 102, that is, synchronised with the view of the mobile station 102 received by the user. The effect of modelling the key sequence at the operator terminal is noted by the operator. The operator determines from the noted effect whether the correct key sequence was input. Alternatively, or additionally, embodiments are arranged such that the operator generates a key sequence for solving a given problem or step of that problem.

Therefore, the received key sequence and the generated key sequence can be compared by the operator or the application 124 to see if the operator instructions have been followed.” Page 10, lines 1-27

Finally, claim 20 is directed to a communication device configured to receive user assistance from a communication terminal.

Page 8, lines 1-2 disclose a user interface for influencing the operation of the communication device. “In operation, if the user of the mobile station 102 requires assistance in relation to any feature of the mobile station 102, the user can dial the operator and request that assistance.” Page 8, lines 1-2.

Page 8, lines 22-26 discloses a means to perform at least one function in response to appropriate invocation of the user interface. “The second mode is arranged so that the mobile station 102 can manage incoming and outgoing voice channels while concurrently allowing the various menus to be displayed and the various menu items or functions to be invoked, that is, the user can manage and configure the operation of the mobile telephone using the menus and functions as a user interface.” Page 8, lines 22-26

Page 10, lines 1-27 disclose a means to output data representing user instructions, received from a communication terminal, for invoking the at least one function and a means to generate a data message, for transmission to the communication terminal, comprising data representing user input actions effected using the user interface following output of the data representing the user instructions, wherein the communication device is configured to receive feedback on user input actions to determine whether or not the user has performed the correct

actions. "The user of the mobile station 102 explains the nature of their problem to the operator of the operator terminal 118 via the voice channel 202. The operator provides instructions to the user on how their problem can be addressed having consulted the image 134 of the mobile station together with the menu data 136 displayed by the application 124 on the operator terminal 118. It will be appreciated that the verbal instructions of the operator will be represented as, or transmitted as, voice data output by the operator terminal or the telephone device 118' associated therewith or forming a part thereof. The user can attempt to give effect to the operator's instructions by pressing appropriate keys of the keypad 102'. Having pressed the appropriate keys, data representing the keystrokes is sent in a second USSD message 208 to the application 124. The second USSD message 208 contains a first identifier, which may be, for example, #91, that identifies the message as containing key sequence information, a second identifier, which is the IMEI in preferred embodiments, to identify to the mobile station 102 to the application 124 and data representing the key sequence. The application 124 transmits a second acknowledge signal 210 to the mobile station 102 in response to receipt of the second USSD message 208. The application 124 also parses the second USSD message 208 and gives effect to the key stroke information contained within that message by changing the image 134 of the mobile station 102 and the displayed menu information 134' so that the displayed information 134 and 134' is synchronised with the mobile station 102, that is, synchronised with the view of the mobile station 102 received by the user. The effect of modelling the key sequence at the operator terminal is noted by the operator. The operator determines from the noted effect whether the correct key sequence was input. Alternatively, or additionally, embodiments are arranged such

that the operator generates a key sequence for solving a given problem or step of that problem. Therefore, the received key sequence and the generated key sequence can be compared by the operator or the application 124 to see if the operator instructions have been followed.” Page 10, lines 1-27

### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The issue on appeal is whether the examiner erred in:

finally rejecting claims 1-6, 10, 11, and 20-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,400,940 (“Sennett”) in view of U.S. Patent Publication No. 2002/0032564A1 (“Ehsani”); and

finally rejecting claims 7-9 and 12-19 under 35 U.S.C. § 103(a) as being unpatentable over Sennett in view of Ehsani and further in view of U.S. Patent 6,208,877 (“Henry, Jr.”).

### **ARGUMENT**

Appellants rely on M.P.E.P. § 2143, which states that to establish a prima-facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation in the prior art to modify the reference. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all the claim limitations.

Appellants submit that Sennett, Ehsani and Henry, Jr., alone or in combination do not disclose each and every limitation of independent claims 1, 12, 14 and 20. Claim 1 is directed to a communication system for providing user assistance to an owner of a communication device. Claim 12 is directed to a method for providing user assistance to an owner of a communication

device. Claim 14 is directed to a communication terminal for providing user assistance to an owner of a communication device. Claim 20 is directed to a communication device configured to receive user assistance from a communication terminal.

As recited in the above-mentioned claims, the communication terminal has access to a database that stores operator instructions for performing functions with the communication device. The operator instructions are prescribed user input actions to be performed on the communication device. Upon user request, the communication terminal is configured to transmit these operator instructions to the communication device. Further, the communication terminal comprises a means to enable comparison of, data representing actual user input actions, performed following output of the data representing the operator instructions, with the invocation instruction data to determine if the at least one function of the communication device has been invoked. Accordingly, the comparison means compares the actual user input actions with invocation instruction data after the correct operator instructions have been output to the user. As claimed, invocation instruction data are instructions for invoking at least one function of the communication device.

In contrast, the combination of Sennett, Ehsani and Henry, Jr. do not disclose each and every element of independent claims 1, 12, 14 and 20. Sennett discloses a customized user line guide where a subscriber requests help via a terminal device and subsequently is provided with help information. (*See* Col. 2, line 67- Col. 3, line 12.) The Office Action acknowledges that Sennett does not disclose, teach or suggest a “means to compare, or to enable comparison of, data representing actual user input actions, performed following output of the data representing the

operator instructions, with the invocation instruction data to determine if the at least one function of the communication device has been invoked.” To cure the deficiencies of Sennett, the Office Action incorrectly relies on Ehsani.

Ehsani is directed to grammar recognition in a system for a voice-controlled user interface. Specifically, Ehsani relates to a computer system for automatically creating recognition grammars for voice-controlled user interfaces. *See* ¶ [0219]. The Office Action dated June 19, 2007, relies on ¶ [0251] in making the rejection. Specifically, the Office Action asserts that because the words “match, instruction and user input” are all present in ¶ [0251], Ehsani can be properly relied upon. This assertion is incorrect. Paragraph [0251] of Ehsani discusses Natural Language Understanding using a technique called word spotting. Ehsani states that “[w]ord spotting proceeds from a given set of instructions and then searches user input for specific words that match these instructions.” However, Ehsani does not disclose, for example, that the user input is “performed following output of the data representing the operator instructions.” Further, Appellants respectfully submit that Ehsani does not disclose comparing user input actions with invocation instruction data. Instead, Eshani compares user input in the form of words with a phrase thesaurus. *See* ¶ [0248].

In the Final Office Action the Examiner relies on paragraph [0251] of Ehsani again. Here, the examiner points to the presence of the words “match, user input and instruction” to argue that the claimed limitations are disclosed. Again, the rejection glosses over several key limitations that are distinguishable from Ehsani. For example, independent claim 1 recites means to compare data representing actual user input actions, performed following output of data

representing the operator instructions, with invocation instruction data. Ehsani does not disclose that its user input is “performed following output of data representing the operator instructions.”

Further, the passage cited by the Examiner fails to disclose “receiving, at the communication terminal, the data representing the user input actions and comparing the user input actions with the data relating to the communication device retrieved from the database to determine whether the user input actions correspond to the instructions” or “determining that data representing the user input actions corresponds to data relating to the communication device” as claimed in independent claim 12. In addition, Ehsani fails to disclose “means to compare, or to enable comparison of, the data representing the user input signals with the associated invocation data to determine whether the at least one function of the subscriber communication device has been invoked” as claimed in independent claim 14. Moreover, Ehsani fails to disclose “means to generate a data message, for transmission to the communication terminal, comprising data representing user input actions effected using the user interface following output of the data representing the user instructions, wherein the communication device is configured to receive feedback on user input actions to determine whether or not the user has performed the correct actions” as claimed in independent claim 20.

“The identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Here, Eshani fails to disclose each and every element of the claimed invention in complete detail. For example, Eshani fails to cure the deficiencies of Sennett because it does not disclose, teach or suggest means to compare, or to enable comparison of, data representing actual user input



actions, performed following output of the data representing the operator instructions, with the invocation instruction data to determine if the at least one function of the communication device has been invoked. Further, Henry, Jr. fails to cure the deficiencies of Sennett or Eshani.

Accordingly, Appellants respectfully requests that the rejection be withdrawn and independent claims 1, 12, 14 and 16 be allowed.

In addition, claims 2-10, 11-13, 15-19 and 21-29 depend from one of independent claims 1, 12, 14 or 20 and are therefore allowable for the reasons set forth above without regards to further patentable limitations contained therein. Accordingly, Appellants respectfully request reconsideration of claims 1-29 and that the claims be allowed.

### **CONCLUSION**

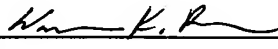
In view of above, appellants respectfully solicit the Honorable Board of Patent Appeals and Interferences to reverse the rejections of the pending claims and pass this application on to allowance.


*At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. § 1.25. Additionally, charge any fees to Deposit Account 08-2025 under 37 C.F.R. § 1.16 through § 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.*

Respectfully submitted,

Date: March 5, 2008

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**CLAIMS APPENDIX**

1. (Original) A communication system comprising a communication device and a communication terminal; the communication terminal having access to a database to query data relating the communication device; the data comprising invocation instructions for invoking at least one function of the communication device; the communication terminal comprising means to cause output, at the communication device, of data representing operator instructions, associated with the invocation instructions, comprising prescribed user input actions to be performed to invoke the at least one function of the communication device; and means to compare, or to enable comparison of, data representing actual user input actions, performed following output of the data representing the operator instructions, with the invocation instruction data to determine if the at least one function of the communication device has been invoked.

2. (Previously Presented) A communication system as claimed in claim 1, in which the means to compare, or to enable comparison of, data representing actual user input actions with data representing the invocation instructions comprises means to transmit a message comprising data representing the actual user input actions from the communication device to the communication terminal; means to receive the message comprising the data representing the actual user input actions.

3. (Previously Presented) A communication system as claimed in claim 1, further comprising means to operate the communication device in at least one of first and second operational modes; the first operational mode being arranged to support voice and data exchanges with the communication terminal and the second operational mode being arranged to support user invocation of a user interface for managing or configuring the operation of the communication device.

4. (Original) A communication system as claimed in claim 3, further comprising means to operate the communication device in both the first and second modes of operation substantially simultaneously.

5. (Previously Presented) A communication system as claimed in claim 1, in which the communication device is a wireless communication device.

6. (Original) A communication system as claimed in claim 5, in which the wireless communication device is a mobile telephone.

7. (Previously Presented) A communication system as claimed in claim 1, in which the data relating to the communication device comprises image data and the communication terminal comprises a display to display an image of the communication device using the image data.

8. (Previously Presented) A communication system as claimed in claim 1, in which the data relating to the communication device comprises menu data representing menus and functions of the communication device that can be traversed and invoked; the at least one function being one of the functions; the communication terminal comprising means to display and manipulate the menus and functions.

9. (Previously Presented) A communication system as claimed in claim 7, further comprising means to synchronise the operational state of the communication device and the operational state of the image of the communication device.

10. (Previously Presented) A communication system as claimed in claim 1, in which the communication terminal comprises means to transmit a message to the communication device; the message comprising data representing instructions to the communication device to assume a predetermined state.

11. (Previously Presented) A communication system as claimed in claim 1, in which the communication device comprises means to transmit a message to the communication terminal; the message comprising data indicating that the communication device is in a prescribed operational state.

12. (Previously Presented) A method of communication between a communication device and a communication terminal, the communication device comprising a communication operational mode to support voice and data communication with the communication terminal and an instructional operational mode to support user invocation of at least a user interface for configuring the communication device; the communication terminal comprising a database interface to provide access to a communication device database comprising data relating the operation of the communication device; the method comprising the steps of:

contacting, using the communication device, a user of the communication terminal to obtain assistance relating to the communication device;

identifying the communication device and retrieving the data relating to the communication device from the database;

placing the communication device in the instructional operational mode;

receiving, at the communication device, instructions from the user of the communication terminal relating to the operation of the communication device;

receiving user input actions in response to receipt of the instructions and transmitting data representing those input actions to the communication terminal using the data communication;

receiving, at the communication terminal, the data representing the user input actions and comparing the user input actions with the data relating to the communication device retrieved from the database to determine whether the user input actions correspond to the instructions;

determining that data representing the user input actions corresponds to data relating to the communication device; and

terminating the communication between the communication device and the communication terminal.

13. (Previously Presented) A method as claimed in claim 12, in which the step of placing comprises the step of entering a prescribed key sequence.

14. (Original) A communication terminal comprising a communication manager to support incoming and outgoing voice channels; an interface for managing the exchange of data with at least a subscriber database, containing subscriber data identifying an associated subscriber communication device, and a communication device database, containing operational information relating to at least the subscriber communication device and associated invocation data for invoking at least one function of the device; and a user interface for at least displaying the operational information; means to output data representing user instructions associated with the operational information; a data service message manager to receive a data message bearing data representing user input signals generated in response to user invocation of an input means of the subscriber communication device in response to the user instructions; and means to compare, or to enable comparison of, the data representing the user input signals with the associated

invocation data to determine whether the at least one function of the subscriber communication device has been invoked.

15. (Original) A communication terminal as claimed in claim 14, in which the operational information comprises at least one of image data, representing at least one view of the communication device, and menu data representing menus and functions that can be traversed and invoked; the communication terminal comprising a display to display at least one of the image data and the menu data.

16. (Previously Presented) A communication terminal as claimed in claim 14, further comprising means to display the image data and the menu data in a predetermined state.

17. (Previously Presented) A communication terminal as claimed in claim 14, further comprising means to synchronise the operational state of at least one of the image data and the menu data with the operational state of the communication device.

18. (Previously Presented) A communication terminal as claimed in claim 14, further comprising means to transmit a message to the communication device comprising data representing an instruction to the communication device to assume a predetermined state.

19. (Previously Presented) A communication terminal as claimed in claim 14, further comprising means to receive a message from the communication device comprising data representing an instruction to the communication terminal that the communication device is in a prescribed state of operation.

20. (Previously Presented) A communication device comprising a user interface for influencing the operation of the communication device; means to perform at least one function in response to appropriate invocation of the user interface; means to output data representing user instructions, received from a communication terminal, for invoking the at least one function; means to generate a data message, for transmission to the communication terminal, comprising data representing user input actions effected using the user interface following output of the data representing the user instructions, wherein the communication device is configured to receive feedback on user input actions to determine whether or not the user has performed the correct actions.

21. (Original) A communication device as claimed in claim 20, further comprising means to operate the communication device in at least one of first and second operational modes; the first operational mode being arranged to support voice and data exchanges with a communication terminal and the second operational mode being arranged to support at least user invocation of a user interface for managing the operation, or configuration, of the communication device.

22. (Original) A communication device as claimed in claim 21, further comprising means to operate the communication device in both the first and second modes of operation substantially simultaneously.

23. (Original) A communication device as claimed in claim 22, in which the communication device is a wireless communication device.

24. (Original) A communication device as claimed in claim 23, in which the wireless communication device is a mobile telephone.



25. (Previously Presented) A communication device as claimed in claim 20, further comprising means to synchronise the operation state of the communication device with the operational state of image and menu data displayed on a display of the communication terminal.

26. (Previously Presented) A communication device as claimed in claim 20, further comprising means to receive a data message comprising data instructing the communication device to assume a predetermined operational state.

27. (Previously Presented) A communication device as claimed in claim 20, further comprising means to transmit a message comprising data indicating that the communication device has assumed a prescribed operational state.

28. (Previously Presented) A computer program element for implementing a communication system, communication terminal or communication device as claimed in claim 20.

29. (Original) A computer program product comprising computer readable storage means storing a computer program element as claimed in claim 28.

**EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.